

Notice of Allowability

Application No.

10/699,454

Examiner

Karie O'Neill

Applicant(s)

SAULSBURY ET AL.

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendments filed on July 20, 2007.
2. ☒ The allowed claim(s) is/are 13, 14, 55, 72 and 73.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. The Applicant's amendment filed on July 20, 2007, was received. Claims 13, 14, 55, 72 and 73 were amended. Claims 1-12, 15-54, 56-71 and 74-90 have been cancelled.

Allowable Subject Matter

2. Claims 13, 14, 55, 72 and 73 are allowed.

3. The following is an examiner's statement of reasons for allowance: the closest prior art Gibb et al. (US 5,484,666) teaches a fuel cell stack assembly, comprising: a plurality of fuel cell assemblies, each of the fuel cell assemblies comprising: a first flow field plate; a second flow field plate; and a membrane electrode assembly provided between the first and second flow field plates and having an active area; a plurality of registration apertures defined in each of the MEA, the first flow field plate and the second flow field plate; the respective apertures situated within non-active areas of the MEA when the first and second flow field plates and the MEA are axially aligned within the stack assembly, the registration apertures having an inner surface; a plurality of registration posts configured for reception within the plurality of registration apertures, each of the registration posts having an outer surface differing in shape from a shape of the inner surface of the registration apertures; the inner surface of the registration apertures contacting the outer surface of the registration posts at a plurality of discrete press-fit locations. Gibb et al. does not teach or fairly suggest, in Claims 13 and 55, wherein the registration posts comprise a hollow outer member and a solid core member, the hollow outer member configured to receive the solid core member. In Claims 14 and 73, Gibb et al. do not teach or fairly suggest, wherein the registration posts comprise a compressible hollow outer

member and a solid core member, the solid core member having an outer diameter greater than an inner diameter of the hollow outer member the solid core member compressibly deforming the hollow outer member when the solid core member is positioned within the hollow outer member. In claim 73, Gibb et al. do not teach or fairly suggest a method of forming a fuel cell stack assembly, comprising: providing a first flow field plate, a second flow field plate, and a membrane electrode assembly having an active area, a plurality of registration apertures defined in each of the MEA, the first flow field plate and the second flow field plate; aligning the first and second flow field plates and the MEA so that the respective registration apertures are in axial alignment, the registration apertures having an inner surface; providing a plurality of registration posts having an outer surface differing in shape from a shape of the inner surface of the registration apertures; and inserting the plurality of registration posts into the plurality of registration apertures so that the inner surface of the registration apertures contact the outer surface of the registration posts at a plurality of discrete press-fit locations, wherein the registration posts each comprise a hollow outer member and a solid core member, the method further comprising inserting the hollow outer members into the registration apertures and inserting the solid core members into the hollow outer members.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

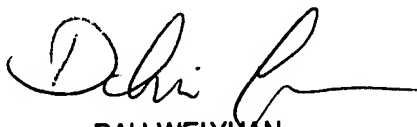
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karie O'Neill whose telephone number is (571) 272-8614. The examiner can normally be reached on Monday through Friday from 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Karie O'Neill
Examiner
Art Unit 1745

KAO


DAH-WEIYUAN
PRIMARY EXAMINER